

## Item SPR06-18 Response Form

**Title:** Requiring Use of the Latest Version of a Judicial Council Form (amend Cal. Rules of Court, rule 201.1)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

☐ **Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, June 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,  
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action.*

Invitations to Comment SPR06-18

Title	Requiring Use of the Latest Version of a Judicial Council Form (amend Cal. Rules of Court, rule 201.1)
Summary	Rule 201.1 of the California Rules of Court would be amended to require a person to use the most recent version of a Judicial Council form. Because a person may inadvertently use an older version that may still be legally effective, rule 201.1 would also be amended to provide that a court clerk may not reject a Judicial Council form for filing merely because it is not the latest version of the form.
Source	Civil and Small Claims Advisory Committee Hon. Elihu M. Berle, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>There is currently no rule that expressly provides that a person who is using a Judicial Council form must use the most recent version. It is desirable that litigants be required to use the most recent version. This will ensure that the forms filed are legally effective, reduce uncertainty, and result in fewer forms needing to be refiled.</p> <p>To clarify this issue, a new subdivision would be added to rule 201.1. It would provide: "A person serving and filing a Judicial Council form must use the latest version of the form adopted or approved by the council." (See amended rule 201.1(d).)</p> <p>However, parties, particularly self-represented litigants, sometimes may inadvertently use an earlier version of a Judicial Council form. Although the use of such a form is undesirable, the form may not be legally insufficient. There are a variety of reasons that forms are revised, including reformatting, style changes, and correcting cross-references.</p> <p>If a person uses an out-of-date form, a judicial officer needs to determine if the form is legally sufficient. Because legal sufficiency of a form is a judicial rather than a clerical function, it should not be delegated to a clerk to determine whether a Judicial Council form should be filed. For this reason, an additional amendment would be made to rule 201.1.</p> <p>The subdivision with the list of the reasons why a clerk must not reject</p>

a Judicial Council form for filing would be amended to add the following reason: “The form is not the latest version of the form adopted or approved by the Judicial Council.” (See amended rule 201.1(g)(9).)

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Attachment

Rule 201.1 of the California Rules of Court would be amended, effective January 1, 2007, to read:

1 (a)–(c) \* \* \*

2  
3 **(d) [Use of forms]** A person serving and filing a Judicial Council form must use  
4 the latest version of the form adopted or approved by the council, unless a  
5 rule in the California Rules of Court allows the use of a different form.  
6

7 ~~(d)~~(e) \* \* \*

8  
9 ~~(e)~~(f) \* \* \*

10  
11 ~~(f)~~(g) ~~[Matter added by the courts and others]~~ **Forms not to be rejected for**  
12 **filing]** A court must not reject for filing a Judicial Council form for any of  
13 the following reasons:  
14

15 (1)–(6) \* \* \*

16  
17 (7) The form is imprinted with the name or symbol of the publisher, unless  
18 the name or symbol replaces or obscures any material on the printed  
19 form; or

20  
21 (8) The form is legibly and obviously modified to correct a code section  
22 number or to comply with the law under which the form is filed; or  
23

24 (9) The form is not the latest version of the form adopted or approved by  
25 the Judicial Council.  
26

27 ~~(g)~~(h) \* \* \*

28  
29 ~~(h)~~(i) \* \* \*

30  
31 ~~(i)~~(j) \* \* \*

32  
33 ~~(j)~~(k) \* \* \*

34  
35 ~~(k)~~(l) \* \* \*

36  
37 ~~(l)~~(m) \* \* \*